



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

SEP 6 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Braus, President
C & M Recycling
1600 Morrow Avenue
North Chicago, Illinois 60064

Re: Finding of Violation
C & M Recycling
North Chicago, Illinois

Dear Mr. Braus:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to C & M Recycling (you). We find that you have violated the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, specifically the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F, at your North Chicago, Illinois facility. EPA promulgated these regulations as required by Section 608 of the CAA, 42 U.S.C. § 7671g.

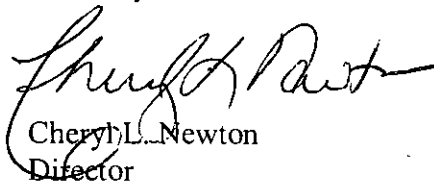
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Natalie Topinka. You may call her at 312-886-3853 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton", is written over the printed name and title.

Cheryl L. Newton
Director

Air and Radiation Division

Enclosure: SBREFA fact sheet

cc: Ray Pilapil, IEPA

1. In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. The purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a).
2. Under 40 C.F.R. § 82.156(f), persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance are required to either:
 - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156(g) or (h); or
 - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must include a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f)(2). Any signed statements must be maintained on-site for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).

Factual Background

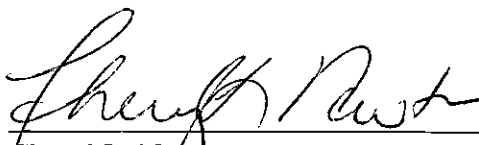
3. C & M owns and operates a scrap metal recycling facility (the facility) at 1600 Morrow Avenue, North Chicago, Illinois.
4. On May 9, 2011 under Section 114 of the CAA, 42 U.S.C. § 7414, EPA sent a Request for Information to C & M seeking information about the facility compliance with the CAA. On June 23, 2011, C & M submitted a response to EPA.
5. On July 7, 2011, EPA sent a second Request for Information to C & M seeking information about the facility compliance with the CAA. On July 22, 2011, C & M submitted a response to EPA.
6. In its June 23, 2011 and July 22, 2011 responses, C & M stated that it accepts for recycling at the facility appliances and MVAC components that once contained refrigerant, and that it had accepted such appliances and MVAC components for recycling within the past 12 months.
7. In its June 23, 2011 response, C & M stated that it does not recover refrigerant from appliances and MVAC components that are brought to the facility.
8. In its June 23, 2011 response, C & M stated that prior to receipt of EPA's May 9, 2011 Request for Information, it did not have contracts with or require written statements from its suppliers. C & M further stated that it now requires its suppliers to sign written agreements that all refrigerant will be properly removed before delivery of appliances to C & M, and attached copies of such agreements to its response.
9. The copies of agreements C & M attached to its June 23, 2011 response do not meet the requirements of 40 C.F.R. § 82.156(f).

Finding of Violations

10. For the above reasons, EPA finds that C & M has violated 40 C.F.R. § 82.156.

Date

9/6/11



Cheryl L. Newton
Director

Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-11-IL-18, by Certified Mail, Return Receipt Requested, to:

Michael Braus, President
C & M Recycling
1600 Morrow Avenue
North Chicago, IL 60064

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

On the 7th day of September 2011



Betty Williams
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70091680000076727808